

App No. 10/784,709

Reply to Restriction

**Application: 10/784,709****Applicant: Paul Weatherbee****Filed: 2/23/2004****T.C. / A.U.: 3748****Examiner: Theresa Trieu****Docket No. MAE-WW-2****March 5, 2006**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

### **Transmittal of Response to Restriction Requirement**

In response to the restriction requirement mailed 2/8/2006, applicant makes the election described below.

Applicant restricts, without prejudice, the application to the invention defined by the examiner as the species of Figures 19 and 20.

An explanation for the claims elected is provided in Appendix I and the actual claims elected are in Appendix II.

Applicant respectfully requests that this response be added to the application file as of the date of Express Mailing. Applicant also respectfully requests that any correspondence from the Patent and Trademark Office relative to this application be mailed to the Registered Patent Agent for the Applicant at the following address:

**Michael A. Ervin  
M. A. Ervin & Associates  
8202 Talbot Cove  
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(512)-431-2954**

Please also stamp and mail the enclosed self-addressed stamped postcard with the date of receipt and the serial number of this application, to evidence its receipt by the Patent and Trademark Office.

Please call the undersigned if there are any questions relative to this application.

Respectively submitted:

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CERTIFICATE OF MAILING 37 CFR 1.10

I certify that this correspondence is deposited, on the date set below, with the United States Postal Service as Express Mail under the mailing label set forth below, and addressed to:

Commissioner for Patents  
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Alexandria, Va. 22313-1450

March 6, 2006  
Date

M.A. Ervin

Michael A. Ervin  
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Express Mail Number  
\*EQ 435161361 US\*

APPENDIX I

The election for restriction is for the species described in Figures 19 and 20. Figure 20 describes (in the text of submitted paragraphs 00121 thru 00124) the embodiment of simultaneously flowing multiple fluids through the same machine and also describes using one fluid to power the fluid machine with the second fluid being pumped, compressed or vacuum pumped. These embodiments are contained in apparatus claims 1 and 2 as well as (with further limitations) claims 22, 23, 28, and 29. The same embodiments as method are contained in claims 32, 33, 49-50, 53-54.

Figure 19 describes (in the text of paragraphs 00119 and 00120) the embodiments of adjusting the weight or density of the secondary and primary vanes to balance momentum forces in the pumps and achieve more efficient operation and lower wear on surfaces. These embodiments are contained in apparatus claims 18-21 and in method claims 47-48.

The remaining claims, which applicant respectfully reserves the right to submit in future divisionals or continuations, contain embodiments that the examiner has identified as patentably distinct such as 1) the embodiments of Fig 15-16 (use of exterior carrier ring), 2) Figures 17 and 18 (improving rigidity of pump), 3) Figure 21 (use of fastenable adjuster plates to change shape or width of vanes), Figures 22-24 (use of changeable port inserts), and Figure 25 (use of quarter section design to allow rotation of ports to new fixed positions).

The resulting 18 restricted claims (of the original 55) are presented with their original claims numbers and original text unchanged in Appendix II.